

Amendment
Serial No. 09/881,599

Docket No. NL000395

REMARKS

Entry of this Amendment and reconsideration in view of the remarks made herein are respectfully requested.

Claims 1-3, 6-10, 12, 16 and 18-25 are pending and stand rejected.

The Office Action refers to 37CFR 1.77(b) as providing that the specification of a utility application should include the section headings.

Applicant respectfully submits that 37 CFR §1.77(b) discloses a *suggested* format for the arrangement of the disclosure and submits that the present disclosure follows the suggested format where applicable, without headings. With regard to 37 CFR§1.77(c), which was not cited in the Office Action, applicant submits that section headings are suggested but not required, as 37 CFR §1.77(c) clearly states the sections defined in paragraphs (b) (1) through (b) (11) "should" be preceded by a section heading. Applicant respectfully declines to amend the disclosure to include the suggested headings at this time.

Claims 1-3, 6-10, 12-16, 18-22, 24 and 25 stand rejected under 35 USC 102(e) as being anticipated by Inoue (USP no. 6,496,896).

In maintaining the rejection of the claims for the same reasons recited in the prior Office Action, the instant Office Action states that the claim limitation added to the claimed in the applicant's Response to the prior Office Action, i.e., "including an indication for the interval in which they are valid," is disclosed by Inoue in col. 19, lines 19-22 and col. 23, lines 29-32.

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims and reasserts, as if in full, herein the arguments presented in the applicant's Response to the prior Office Action and further presents arguments, herein, to show why the cited sections of the Inoue reference fail to disclose the noted element of the claims.

A reading of the referred-to section of the Inoue reference reveals that Inoue fails to teach an indication as is recited in the claims. More specifically, col. 19, lines 10-22 state "[t]he DSI [Download Server Initiate] and the DII [Download Indication Information] are information required when the reception side (IRD) acquires a module from received data and the DSI principally has an identifier of a carousel which is described below,

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information regarding the entire carousel representative of a time required for one rotation of the carousel and a timeout value of rotation of the carousel and so forth. The DSI further has information for discrimination of a location of the root directory (Service Gateway) of a data service... The DII is information corresponding to each module included in the carousel and has information of a size, a version a timeout value and so forth of each module." Col. 23, lines 21-32, state "[t]he IOR includes an identifier corresponding to a carousel for finding out an object, an identifier (... module_id) of a module in which the object is included, and an identifier (... object_key) for specifying the object in one module, as well as tag (association_tag) information for identifying a DII having information of the module in which the object is included. Further the DII having the module information includes information of the module_id, the module size and module version of each of each of more than one modules and tag (association_tag) information for identifying the modules."

Accordingly, Inoue reference discloses an indicator that includes identification, size and version, but fails to disclose an indicator indicating the interval in which they are valid.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Inoue cannot be said to anticipate the present invention, because Inoue fails to disclose each and every element recited.

Applicant submits that the reason for the rejection of claim 1, for example, has been overcome and can no longer be sustained and respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to claim 22, this claim recites a system for implementing the method recited in claim 1 and was rejected for the same reason used in rejecting claim 1. Thus, the remarks made in response to the rejection of claim 1 are also applicable in response to the rejection of claim 22. For the remarks made with regard to the rejection of claim 1, which are reasserted, as if in full, herein, in response to the rejection of claim 22, applicant submits that the reason for rejecting this claim has been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

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With regard to the remaining rejected claims, these claims ultimately depend from the independent claims 1 and 22, which have been shown to contain subject matter not disclosed by, and allowable over, the reference cited. Accordingly, these claims are also allowable by virtue of their dependency from an allowable base claim.

Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

Claim 23 stands rejected under 35 USC 103(a) as being unpatentable over Inoue in view of the Applicant's admitted prior art and further stands rejected as being unpatentable over Inoue in view of Ferguson (USP no. 6,052,555).

Applicant respectfully disagrees with, and explicitly traverses, the reason for rejecting the claims.

Claim 23 depends from claim 22, which has been shown to include subject matter not disclosed by the primary reference (Inoue). Hence, the combination of Inoue and the admitted prior art or Ferguson fails to recite the subject matter claimed in claim 22, from which claim 23 depends, as admitted prior art or Ferguson provides no teaching to correct this deficiency.

Accordingly, the invention recited in claim 23 is not rendered obvious by the teachings of the cited references, as the device resulting from the combination of the cited reference fails to recite all the elements claimed in independent claim 22 and, consequently, dependent claim 23.

Having shown that the combination of the cited references fails to disclose all the elements claimed, applicant submits the reason for the rejection has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

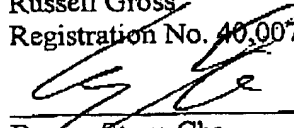
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For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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